

# Order

Michigan Supreme Court  
Lansing, Michigan

June 11, 2010

Marilyn Kelly,  
Chief Justice

140183(21)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

TIMOTHY L. TRAMMEL,  
Plaintiff-Appellee,

v

SC: 140183  
COA: 292912  
WCAC: 2008-000226

CONSUMERS ENERGY COMPANY,  
Defendant-Appellant.

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On order of the Court, the motion for reconsideration of this Court's February 26, 2010 order is considered, and it is DENIED, because it does not appear that the order was entered erroneously.

CORRIGAN, J. (*concurring*).

I write separately to acknowledge the argument, made by the defendant and its amici, that the opinion of the Workers' Compensation Appellate Commission (WCAC) will ultimately authorize significantly more benefits than the Legislature intended for workers claiming limb loss. In particular, the briefs observe that the increasing prevalence and success of joint replacement surgery militates against providing scheduled loss benefits under MCL 418.361(2) to an employee whose limb is returned to usefulness by way of internal, surgical correction. These concerns are best addressed to the Legislature, which has the power to amend the statutes on which the WCAC relied.

WEAVER, YOUNG, and MARKMAN, JJ., join the statement of CORRIGAN, J.



d0608

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 11, 2010

*Corbin R. Davis*

Clerk